

FLOOR SCHEDULE FOR TUESDAY, SEPTEMBER 9, 2014

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
10:00 a.m.: Morning Hour 12:00 p.m.: Legislative Business Fifteen "One Minutes"	1:30 – 2:00 p.m.	5:00 – 6:00 p.m.

H.Res. 715 – Rule Providing for Consideration of both **H.R. 5078 – Waters of the United States Regulatory Overreach Protection Act of 2014 (Rep. Southerland – Transportation and Infrastructure)** and **H.Res. 644 – Condemning and disapproving of the Obama administration's failure to comply with the lawful statutory requirement to notify Congress before releasing the Taliban 5 (Rep. Rigell – Armed Services) (One Hour of Debate)**. The Rules committee has recommended one Rule which provides for consideration of two pieces of legislation.

For H.R. 5078, the Rules committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Transportation and Infrastructure. The Rule allows for 3 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

For H.Res. 644, the Rules Committee has recommended a closed Rule that provides for one hour of general debate equally divided between the Chair and Ranking Member of the Committee on Armed Services. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the resolution. **Members are urged to VOTE NO.**

H.R. 5078 – **Waters of the United States Regulatory Overreach Protection Act of 2014 (Rep. Southerland – Transportation and Infrastructure) (One Hour of Debate)**. This bill would prohibit the EPA & Army Corps of Engineers from finalizing, implementing or enforcing both the 2014 proposed rule, "Definition of 'Waters of the United States' Under the Clean Water Act," and a 2011 proposed guidance entitled, "Guidance on Identifying Waters Protected By the Clean Water Act." Instead, the agencies would be required to withdraw the proposed regulation guidance and consult with state and local officials to develop a new regulatory proposal.

Additionally, the bill would bar the agencies from using either the rule, guidance or any language that is "substantially similar" to them as the basis for any future regulatory decision regarding the applicability of regulations under the Clean Water Act. The Statement of Administration Policy (SAP) on the bill indicates that the President's senior advisers would recommend a veto.

The Rule makes in order 3 amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

DeFazio Amendment. Requires the Secretary of the Army and the Administrator of the EPA to withdraw both the proposed and interpretive rules published in April 2014, and to instead develop and issue for public comment a revised proposed rule to define Waters of the United States after consultation with States, local governments and stakeholders.

Bishop (NY) Amendment #2. Prohibits the Secretary and the EPA Administrator from implementing any final rule based on the April 2014 proposed rule if it expands the scope of the Clean Water Act beyond the holdings and opinions in the relevant Supreme Court cases, increases the regulation of ditches when compared to current regulations or guidance, eliminates historical statutory or regulatory exemptions for agriculture, or increases regulation of groundwater, farm ponds, puddles, water on driveways, birdbaths, or playgrounds, or is either inconsistent with the latest peer-reviewed studies or was promulgated without public notice or comment.

Bishop (NY) Amendment #3. States that provisions of the underlying bill do not apply if it is determined that they are likely to have an adverse impact on water quality.

Bill Text for H.R. 5078:

[PDF Version](#)

Background for H.R. 5078:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

H.Res. 644 – Condemning and disapproving of the Obama administration's failure to comply with the lawful statutory requirement to notify Congress before releasing the Taliban 5 (Rep. Rigell – Armed Services) (One Hour of Debate). This resolution “expresses grave concern about the national security risks associated with the transfer of five senior Taliban leaders.”

The resolution states that the Administration's actions "have burdened unnecessarily the trust and confidence in the commitment and ability of the Obama Administration to constructively engage and work with Congress.”

The resolution further alleges that the President broke the law by not complying with statutory reporting requirement to provide 30 days notice of the Guantanamo transfers.

Republicans are bringing this bill to the Floor purely to use it as election-year messaging against the President. The resolution is just another in a long line of Republican messaging bills to attack the President, rather than seriously address important issues. Further, it attacks the sensitive national security decisions made by the Administration while almost entirely ignoring the outcome: bringing an American soldier, Sergeant Bergdahl, safely home to the United States.

Bill Text for H.Res. 644:

[PDF Version](#)

Background for H.Res. 644:

[House Report \(HTML Version\)](#)

Suspensions (6 bills)

- 1) [H.R. 4067](#) – To provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2014 (Rep. Jenkins – Energy and Commerce)
- 2) [H.R. 669](#) – Sudden Unexpected Death Data Enhancement and Awareness Act (Rep. Pallone – Energy and Commerce)
- 3) [H.R. 4290](#) – Wakefield Act of 2014 (Rep. Matheson – Energy and Commerce)
- 4) [H.R. 4701](#) – Vector-Borne Disease Research Accountability and Transparency Act of 2014, as amended (Rep. Gibson – Energy and Commerce)
- 5) [H.R. 3670](#) – Anti-Spoofing Act (Rep. Meng – Energy and Commerce)
- 6) [H.R. 5161](#) – E-LABEL Act (Rep. Latta – Energy and Commerce)

Postponed Suspensions (2 bills)

- 1) [H.R. 2678](#) – Designating the facility of the United States Postal Service located at 10360 Southwest 186th Street in Miami, Florida, as the "Larcenia J. Bullard Post Office Building" (Rep. Garcia – Oversight and Government Reform)
- 2) [H.R. 4751](#) – To make technical corrections to Public Law 110-229 to reflect the renaming of the Bainbridge Island Japanese American Exclusion Memorial (Rep. Kilmer – Natural Resources)

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule for Wednesday, September 10: The House will meet at 12:00 p.m. for legislative business. The House is expected to consider [H.R. 3522](#) – Employee Health Care Protection Act (Rep. Cassidy – Energy and Commerce/Ways and Means) (Subject to a Rule). The House is also expected to consider bills under suspension of the Rules.

The Daily Quote

“House Republican leaders facing an internal party struggle over what to do with the U.S. Export-Import Bank are settling on a classic Washington approach: putting off the decision for now. The 80-year-old agency tasked with helping U.S. businesses sell their goods overseas has split the House GOP conference, with staunch conservatives eager to close the bank breaking from their more business-friendly colleagues. The schism has been out in the open for months but has taken on a sense of urgency with the bank's authorization expiring at the end of the month. The dispute has created a headache for GOP leaders eager to use lawmakers' short time in Washington this month... A short-term reauthorization of the bank could be detrimental to U.S. exports, said Gary Mendell, whose firm Meridian Finance Group helps arrange export financing and credit insurance through private-sector banks as well as the Ex-Im Bank. Small businesses that rely on the agency could see their financing dry up, hurting their ability to manufacture and export goods, he said, adding that foreign firms and their home-country equivalents of the Ex-Im Bank are trying to take advantage of the uncertainty.”

- Wall Street Journal, 9/5/2014